

In re Patent Application of:
HARLEY R. MYLER, et al
Serial No. 09/911,575
Filing Date: 7/25/2001

Remarks

Applicant and the undersigned would like to thank the Examiner for her efforts in the examination of this application. Reconsideration is respectfully requested in light of the arguments herein presented and the Declaration of Michele Van Dyke Lewis, a named co-inventor in the above reference application.

Claims 1-29 remain in the case. Claims 1-10, 15-17, and 22-29 were rejected under 35 U.S.C. §102(b) as being anticipated by the admitted prior art. Claims 11-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art in view of U.S. Patent No. 5,745,169 to Murphy, and claims 18-21 over the admitted prior art in view of U.S. Patent No. 5,251,030 to Tanaka.

It is well accepted that a prior art reference anticipates a claim if the reference discloses expressly or inherently all the elements and limitations of the claim. It is the understanding of the Applicants and the undersigned, that even if one element or limitation of the claim is missing, a §102 reference fails. By way of example, and as supported by the Declaration of co-inventor Michele Van Dyke-Lewis, (see par. 6-8 by way of example) the prior art does not disclose applying a quality analysis technique to at least two of the plurality of digital video frames to produce at least one video quality metric within one of the at least one intercut sequence(s), as called for in independent method claim 1 and independent system claims 26 and 29. Respectfully, Applicants request a retraction of the §102 rejection. Claims dependent from 1 and 26 add further limitations and thus are also felt to distinguish over the prior art.

With regard to the §103 rejections of claims 11-14 and 18-21, it is respectfully submitted that the Examiner must provide factual support for a prima facie case of obviousness. Applicants and undersigned believe the support provided by the Van Dyke-Lewis Declaration provides clarity with regard to admitted prior art, and without an interdiction of new matter. Further, as indicated in the declaration (see par 9 and 10), Murphy '169 discloses a video error detection system where "An error is identified in a

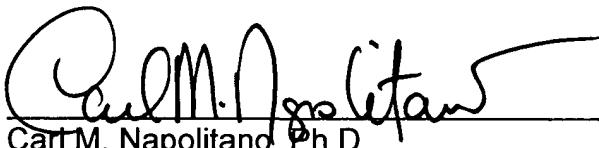
In re Patent Application of:
HARLEY R. MYLER, et al
Serial No. 09/911,575
Filing Date: 7/25/2001



video image by calculating frequency-related coefficients for blocks of the image and considering the statistical distribution of said coefficients." This is distinguished from RFP in that a plurality of frames is not considered. Also, RFP analyzes the frame in comparison to another frame or set of frames. Murphy '169 teaches an analysis of a frame in terms of compression blocks, and is concerned with data errors, not video quality as called for in the claimed invention. Tanaka '030 discloses a motion compensation (MC) prediction technique and is not directed to video quality systems. Further, there is no suggestion in Tanaka '030 to use interframe correlation as claimed for RFP processes and systems.

Applicant respectfully submits that the above supporting arguments and Declaration are sufficient for placing this application in a condition for allowance, and passage to issue is respectfully solicited. The Applicants and the undersigned would like to again thank the Examiner for her efforts in the examination of this application and for reconsideration. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



Carl M. Napolitano, Ph.D.

Reg. No. 37,405

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
255 South Orange Avenue, Suite 1401

P.O. Box 3791

Orlando, Florida 32802

(407) 841-2330

Agent for Applicant